

Application Number 10/519892
Response to Office Action dated 01/18/2007

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REMARKS

Applicants request reconsideration of the claims in view of the amendments and remarks submitted herewith. Claims 1 and 3-19 are amended. Claims 2 and 20-28 are cancelled without disclaimer or prejudice. Claim 29, corresponding to original claim 16, is added. In amending the claims, Applicants have not added new matter; support in the originally filed specification is given in FIGS. 1-15 and in page 21, line 20 through page 24, line 12. Claims 1, 3-19, and 29 are pending.

Applicants correct the specification to overcome the objections presented. Applicants cancel claim 26 thereby rendering the objection to the claim moot.

Claims 20-28 are canceled and therefore the rejection of claims 20, 21, and 25 as being anticipated by U.S. Patent 5554166 to Lange et al. (Lange '166), the rejection of claims 21, 22, 27 and 28 under PCT Pub. No. WO01/41643, U.S. Patent 6849052 to Uchigaki et al. (Uchigaki '052), the rejection of claims 21, 23, and 24 under U.S. Patent 5797942 to Schraga, and the rejection of claims 21 and 26 as being anticipated by U.S. Patent 4469110 to Siama are moot.

Applicants respectfully traverse the rejection of claims 1 and 3-15 as being anticipated by Lange '166. Lange '166 teaches a disposable element 3 comprising a lancet 4, a skin-contact part 5 and a tip protection cap 7. The disposable element of Lange '166, however, does not teach or suggest a sensor housed in the case, as required by claim 1. One of skill in the art, moreover, would not be willing to modify Lange '166 to house a sensor. An important teaching of Lange '166 is the disposable skin-contact part that is intended to exclude the risk of infection and is intended to be used only once with the lancet. The use of the disposable skin-contact part in Lange '166 precludes the use of a sensor, as required by Applicants' claims. Thus, not only is the lancet supplying unit of claim 1 not anticipated by Lange '166, it is also not obvious in view of Lange '166.

Applicants further traverse the rejection of claims 1 and 2 as being anticipated by Uchigaki '052. Uchigaki '052 teaches a disposable lancet holder incorporating the lance and a biosensor. Uchigaki '052, however, does not teach or suggest that the lancet supplying unit has a detachable case wherein the lancing member and a sensor remain attached to the lancing apparatus even after the case is removed, as required by claim 1.

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The lancet holder 30 of Uchigaki '052 is a cap that has specific openings for its application to the main body of the body fluid measuring apparatus. But the cap stays on after the lancet and biosensor have been inserted into the main body, and from the structure presented by Uchigaki '052, a removable case is not contemplated. Thus, Applicants traverse because Uchigaki '052 does not have a removable case and does not suggest one.

Claims 3-19 are allowable at least because of their dependence upon claim 1. Applicants do not concede the correctness of the rejection. Claim 29 is allowable claim 16 written in independent form. Applicants request the Examiner to pass this patent application to issuance and if there any remaining issues that can be easily resolved, the Examiner is invited to telephone Mr. Douglas P. Mueller, Reg. No. 30300, at 612.455.3840.

Respectfully submitted,



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Dated: July 18, 2007

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